

REMARKS/ARGUMENTS

Claims 1-22 are pending in the present application, of which claims 1, 4, 6, 10-13, 15-17, 21, and 22 are independent. Claims 1, 4, 6, 10-13, 15-17, 21, and 22 are amended.

The courtesies extended to Applicant's representatives by Examiner Candal Elpenord at the interview held on August 11, 2008, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicant's record of the interview.

REJECTIONS UNDER 35 U.S.C. § 102(E) AND 103(A)

On pages 2-3, the Office Action rejects claim 12 under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 6,337,863 to Nair et al (hereinafter "Nair"). On pages 4-6, the Office Action rejects claims 1-3 under 35 U.S.C. § 103(a) as allegedly unpatentable over Published U.S. Patent Application 2003/0110268 to Kermarec et al (hereinafter "Kermarec") in view of U.S. Patent No. 7,113,512 to Holmgren et al (hereinafter "Holmgren"). On pages 6-8, the Office Action rejects claim 4 under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent No. 6,041,057 to Stone et al (hereinafter "Stone") in view of Published U.S. Patent Application 2002/0101870 to Chase (hereinafter "Chase").

On pages 9-11, the Office Action rejects claim 5 under 35 U.S.C. § 103(a) as allegedly unpatentable over Stone and Chase, further in view of Published U.S. Patent Application 2002/00231 to Frelechoux et al (hereinafter "Frelechoux"). On pages 11-16, the Office Action rejects claims 4 and 5 under 35 U.S.C. § 103(a) as allegedly unpatentable over Kermarec and

Holmgren, further in view of Frelechoux and U.S. Patent No. 7,292,577 to Ginipalli (hereinafter "Ginipalli"). On pages 16-20, the Office Action rejects claims 6-9 under 35 U.S.C. § 103(a) as allegedly unpatentable over Kermarec and Holmgren, Ginipalli, and Frelechoux.

On pages 20-21, the Office Action rejects claims 8 and 9 under 35 U.S.C. § 103(a) as allegedly unpatentable over Kermarec, Holmgren, Ginipalli, and Frelechoux, further in view of U.S. Patent No. 6,456,600 to Rochberger (hereinafter "Rochberger"). On pages 21-26, the Office Action rejects claims 10 and 11 under 35 U.S.C. § 103(a) as allegedly unpatentable over Nair, Frelechoux, and Stone. On pages 26-30, the Office Action rejects claims 13 and 14 under 35 U.S.C. § 103(a) as allegedly unpatentable over Kermarec, Holmgren, and Ginipalli.

On pages 30-35, the Office Action rejects claims 15 and 16 under 35 U.S.C. § 103(a) as allegedly unpatentable over Kermarec, Holmgren, Stone, and Frelechoux. On pages 36-42, the Office Action rejects claims 17-20 under 35 U.S.C. § 103(a) as allegedly unpatentable over Holmgren, Stone, Kermarec, and Frelechoux. On pages 42-47, the Office Action rejects claims 21 and 22 under 35 U.S.C. § 103(a) as allegedly unpatentable over Holmgren, Stone, Kermarec, and Frelechoux.

Applicant respectfully traverses these rejections for at least the following reasons.

Independent claim 1 recites "selecting a first PE and a second PE for a virtual circuit when the first PE determines that the second PE supports the VPLS ID and determining whether the first PE or the second PE should initiate the virtual circuit" (emphasis added). Independent claims 4, 6, 10-13, 15-17, 21, and 22 contain similar recitations. Support in the specification for

the subject matter added to claims 1, 4, 6, 10-13, 15-17, 21, and 22 can be found in, for example, paragraph [0023].

As discussed at the interview held on August 11, 2008, and memorialized in the Interview Summary, Kermarec fails to disclose, teach, or suggest the above-quoted subject matter. In particular, as described in paragraph [0027], Kermarec indicates that the "VC is established in both directions." As Kermarec's virtual circuit is established in both directions, Kermarec clearly does not determine which PE should initiate the virtual circuit.

Accordingly, Kermarec does not disclose, teach, or suggest "selecting a first PE and a second PE for a virtual circuit when the first PE determines that the second PE supports the VPLS ID and determining whether the first PE or the second PE should initiate the virtual circuit," as recited in claim 1 and similarly recited in claims 4, 6, 10-13, 15-17, 21, and 22. Holmgren and the other cited publications fail to remedy the deficiencies of Kermarec.

Accordingly, Applicant respectfully asserts that claims 1, 4, 6, 10-13, 15-17, 21, and 22 are allowable. Claims 2 and 3 depend from allowable claim 1, claim 5 depends from allowable claim 4, claims 7-9 depend from allowable claim 6, claim 14 depends from allowable claim 13, and claims 18-20 depend from allowable claim 17. Thus, Applicant respectfully submits that claims 2-3, 5, 7-9, 14, and 18-20 are allowable at least by virtue of their respective dependencies upon allowable independent claims.

For at least the forgoing reasons, Applicant respectfully requests that the rejection of claims 1-22 under 35 U.S.C. § 102(c) and 103(a) be withdrawn.

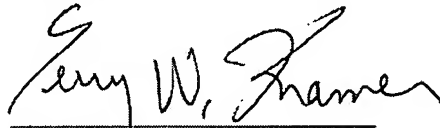
CONCLUSION

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

While we believe that the instant amendment places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner telephone the undersigned attorney in order to expeditiously resolve any outstanding issues.

In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our Deposit Account Number 50-0578 and please credit any excess fees to such Deposit Account.

Respectfully submitted,
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